Court No.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 6118 /2001 (S/S)
(Old No. 31487 of 1996)

Mahendra Singh S/o Shri Trilok Singh,
R/o Village-Bera, Post Office Barakhan,
District- Almora.

..... Petitioner.

Versus

1. The Chief Development Officer, Nainital,
2. The District Development Officer, Nainital,
3. The Block Development Officer, Block Betalghat, District-Nainital.

..... Respondents.

Sri Sudhanshu Dhulia, Senior Advocate, learned counsel for the petitioner
Sri Nand Prasad, learned Standing Counsel for the respondents.

Date: November 19,2005.

Hon'ble P.C. Verma, J.

This petition has been filed by the petitioner challenging the termination order dated 12.08.1996 passed by respondent No. 3.

2. The petitioner was appointed as a *Dak Runner* in the office of Chief Development Officer, Nainital on 30.6.1993 initially for a period of 42 days in place of Sri Trilok Singh, *Dak Runner*, who was holding the post substantially and has gone on medical leave. The fact is narrated in Annexure No.1 to the writ petition. The appointment letter specifically contains a condition that the service of the petitioner shall come to an end after Trilok Singh returns in service after leave. Trilok Singh, after being cured from ailment, joined the service after three years and as per terms and conditions of the

appointment letter, the services of the petitioner came to an end. Therefore, I do not find any infirmity or illegality in not allowing the petitioner to serve after joining of Trilok Singh.

3. Learned counsel for the petitioner submitted that now Trilok Singh, who is the father of the petitioner, is no more and there are vacancies in the office of the District Magistrate, the petitioner may be considered for appointment in any Class-IV post.

4. Having regard to the facts and circumstances of the case, particularly the service rendered by the petitioner in the Department, it is provided that the District Magistrate, Nainital shall consider the case of the petitioner giving him age relaxation, if vacancies are available under his control.

5. The petition is disposed accordingly.

(P.C. Verma, J.)
19.11.2005.

P.Singh